

## REMARKS

This paper is presented in response to the Office Action. By this paper, claims 4, 36-39, and 42 are canceled and claims 1, 5, 6, 10, 15, 28 are amended. As such, claims 1-3, 5-35, 40, 41, and 43 are now pending.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. General Considerations**

Applicant notes that the remarks and amendments set forth herein are not intended to constitute, and should not be construed as an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

### **II. Objections to Claims 6, 10, 11, 15, and 42**

The Examiner has objected to claims 6, 10, 11, 15, and 42 because of various informalities. As noted above, claim 42 has been canceled herein, thereby making the objection moot regarding that claim. Accordingly, Applicant respectfully submits that the objection to claim 42 should be withdrawn. Regarding the other claims, Applicant submits that in light of amendments made herein to claims 6, 10, and 15, the objections have been overcome and should be withdrawn.

### **III. Rejection of Claims 28 and 29 under 35 U.S.C. § 112**

The Examiner has rejected claims 28 and 29 under 35 U.S.C. § 112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserts that the meaning of a cited section of claim 28 is unclear. Applicant submits that in light of an amendment set forth herein to claim 28 in which the cited section has been removed, the rejection has been overcome and should be withdrawn.

### **IV. Rejection of Claims 1-3, 7, 36-41, and 43 under 35 U.S.C. § 102 or 35 U.S.C. § 103**

The Examiner has rejected claims 1-3, 7, 36-41, and 43 under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) or as being anticipated by or obvious over U.S. Patent No. 2,344,543 to Findlay ("Findlay") or

U.S. Patent No. 4,946,122 to Ramsey et al. ("Ramsey") or U.S. Patent No. 6,155889 to Scarla et al. ("Scarpa").

**a. Claims 36-39**

In view of the cancellation of claims 36-39 herein, Applicant respectfully submits that the rejection of those claims has been rendered moot and should accordingly be withdrawn.

**b. Claims 1-3, 7, 40, 41, and 43**

The Examiner has acknowledged in the Office Action that rewriting claim 4 to include all the limitations of the base claim (claim 1) would place claim 4 in allowable condition. Accordingly, independent claim 1 has herein been amended to incorporate all of the limitations of claim 4, which previously depended from claim 1. In view of this, Applicant submits that claim 1 is now in allowable condition. By virtue of their dependence, Applicant submits that each of claims 2, 3, 7, 40, 41 and 43 are also directed to allowable subject matter. Accordingly, Applicant respectfully submits that the rejections of claims 2, 3, 7, 40, 41 and 43 should be withdrawn.

**V. Allowed Subject Matter**

Applicant acknowledges with thanks the indication of the Examiner that claims 8, 9, 12-14, 16-27, and 30-35 are allowed, and Applicant also wishes to thank the Examiner for the careful review of those claims.

The Examiner has indicated that claims 4 and 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As noted at IV. above, Applicant has incorporated the limitations of claim 4 into independent claim 1 from which claim 4 previously depended. Thus, claim 1 is now in allowable condition. As such, Applicant submits that claims 2, 3, 5-7, 40, 41, and 43, each of which depends from claim 1, are also believed to be in condition for allowance.

Applicant submits the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. In general, Applicant agrees with the Examiner that the inventions to which claims 8, 9, 12-14, 16-27, and 30-35 are respectively directed are patentable over the cited references, but respectfully disagrees with the Examiner's statement of reasons for allowance of those claims as set forth in the Office Action.

Particularly, Applicant submits that it is improper to characterize a single limitation, or subset of limitations, as constituting the basis for allowance of a claim. Rather, the patentability of a claim is properly determined with reference to the claim *as a whole*. Accordingly, Applicant does not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or

would make, the claim allowable and Applicant does not make any admission or concession concerning the Examiner's statements in the Office Action concerning the allowability of claims 8, 9, 12-14, 16-27, and 30-35 in view of the cited references.

**CONCLUSION**

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-3, 5-35, 40, 41, and 43 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 29th day of May 2007.

Respectfully submitted,  
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